

# MANDATE

United States Court of Appeals  
FOR THE  
SECOND CIRCUIT

N.D.N.Y. (any)  
Kahn, J.  
Homer, M.J.  
U.S. DISTRICT COURT  
N.D. OF N.Y.  
FILED

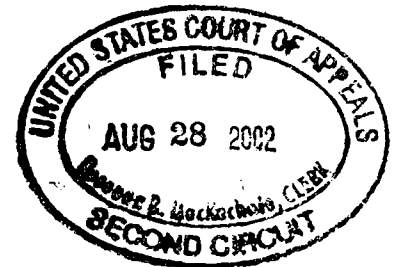
SEP 11 2002

LAWRENCE K. BAERMAN, CLERK  
ALBANY

At a stated Term of the United States Court of Appeals for the Second Circuit, held at the United States Courthouse, Foley Square, in the City of New York, on the 28th day of August two thousand and two,

Present:

Hon. Fred I. Parker,  
Hon. Rosemary S. Pooler,  
Hon. Sonia Sotomayor,  
Circuit Judges.



Detroy Livingston,

Petitioner-Appellant,

v.

02-2083

Victor Herbert,

Respondent-Appellee.

Appellant moves, *pro se*, for a certificate of appealability. Upon due consideration, it is ORDERED that the motion is denied, and the appeal is dismissed because the appellant has not made a "substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c).

FOR THE COURT:  
Lucille Carr, Acting Clerk

By: Lucille Carr

A TRUE COPY  
ROSEANN B. MACKECHINE, CLERK

By

Date:

Deputy Clerk

Issued as Mandate.

AUG 28 2002